

Bureau of Industry and Security

Antiboycott Warning Letters

2006

2007



Warning Letter

May 31, 2006

SAS Institute Inc. Dubai
City Twr 2 Ste 503
Sheikh Zaved Rd
Dubai, United Arab Emirates

Case No 05-22

Gentlemen/Ladies:

We, the Office of Antiboycott Compliance (“OAC”), Bureau of Industry and Security, United States Department of Commerce (“BIS”), find that the facts described in Table A (attached) support a potential violation by you, SAS Institute Inc. Dubai, a subsidiary of SAS Institute Inc, of Section 760.5 of the Export Administration Regulations (currently codified at 15 C.F.R. Parts 730-774 (2003)) (the “Regulations”), which are issued under the authority of the Export Administration Act of 1979, as amended (50 U.S.C. §§ 2401-2420 (1994 & Supp. V 1999)) (the “Act”),¹ in that, you failed to report a request in a timely manner to furnish prohibited information about business relationships with boycotted countries or blacklisted persons (see attached Table A).

Such violation can result in the imposition against you of a civil penalty and/or any of the other sanctions set forth in Section 764.3 of the Regulations, including referral of the matter to the United States Department of Justice for consideration of criminal prosecution. However, having considered all the facts and circumstances known to us at this time, including specifically the fact that you discovered this violation yourself and voluntarily disclosed it to us, we are closing this investigation with the issuance of this Warning Letter.

¹ From August 21, 1994 through November 12, 2000, the Act was in lapse. During that period, the President, through Executive Order 12924, which had been extended by successive Presidential Notices, the last of which was August 3, 2000 (3 C.F.R., 2000 Comp. 397 (2001)), continued the Regulations in effect under the International Emergency Economic Powers Act (50 U.S.C. §§ 1701-1706 (2000)) (“IEEPA”). On November 13, 2000, the Act was reauthorized by Pub. L. No. 106-508 (114 Stat. 2360 (2000)) and remained in effect through August 20, 2001. Executive Order 13222 of August 17, 2001 (3 C.F.R., 2001 Comp. 783 (2002)), which has been extended by successive Presidential Notices, the most recent being that of August 2, 2005 (70 *Fed. Reg.* 45273 (August 5, 2005)), continues the Regulations in effect under IEEPA.



It is important that you comply with these Regulations in the future. This Warning Letter applies only to the transaction referred to herein. Other violations of the Regulations not expressly referred to in this Warning Letter may result in the institution of administrative proceedings against you.

Warning Letters are made available for public inspection and copying in the Freedom of Information Records Inspection Facility, Room 6881, U.S. Department of Commerce, Washington, D.C. 20230, thirty calendar days after mailing. Any comment, response or explanation you wish to make with respect to this matter will also be made available to the public for inspection and copying.

Should you have any questions or comments relating to this Warning Letter, please contact me at (202) 482-2009.

Sincerely,

A handwritten signature in cursive script that reads "Neal Weant".

Edward O. Weant III
Director
Office of Antiboycott Compliance

SAS Institute, Inc.

Case No. (05-22)

Table A

Item No.	Reference Document	Boycotting Country	Date Request Received on or about	Date Furnished on or about	Boycott Language <u>1/</u>	Violation Citation
1	Etisalat Tender	United Arab Emirates	12-13-04		A	760.5
2	Etisalat Tender	United Arab Emirates	12-13-04		B	760.5

1/ Boycott Language

A. DECLARATION AND ISRAEL BOYCOTT CERTIFICATE

The Tenderer must accompany his offer with a written signed declaration, the wording of which is to be exactly and precisely as follows:

“We...(Name of Company) on behalf of all branches, declare that we are a company which is not owned by any companies that have violated the approved rules of the Boycott and that we do not own or participate in companies that are in violation of the approved rules of the Boycott.

Further, we do not have nor does any of the companies that are considered to be a parent company or a branch of ours, any dealings with any Israeli Party whether directly or indirectly”.

Furthermore, a Certificate issued by the Israel Boycott office in UAE, confirming that neither the supplier nor the manufacturer are blacklisted, should also be accompanied.

B. CERTIFICATE OF ORIGIN

The Contractor shall undertake to furnish the Purchaser with a Certificate of Origin, to accompany each invoice. This shall certify that the equipment is not of Israel origin, nor will it be shipped on vessels touching Israel, and further in the case of West German manufacturers, the Contractor shall state that their products are not included in German compensation for Israel. The Contractor shall observe and abide by the following clauses concerning Boycott of Israel for goods imported into the UAE.



UNITED STATES DEPARTMENT OF COMMERCE
Bureau of Industry and Security
Washington, D.C. 20230

WARNING LETTER
BY COURIER

SEP 28 2006

Telemobile, Inc.
% William Thomas
620 Winslow Avenue
Long Beach, CA 90814

Case No. 02-15

Gentlemen:

This office has reason to believe that Telemobile, Inc., in January, 2002, violated Section 760.2(d) and Section 760.5 of the Export Administration Regulations¹ in that Telemobile, Inc. furnished information regarding its business relationships in a boycotted country, as outlined in the attached Table A, and failed to report to the Department its receipt of a request to engage in restrictive trade practices or boycotts.

Compliance with the EAR is mandatory for all U.S. persons and should be strictly adhered to in all future endeavors by Telemobile, Inc. and its principals.

The investigation is being closed with the issuance of this warning letter, which applies only to the transactions referred to herein.

Warning letters are made available for public inspection in the Freedom of Information Reading Room section displayed on the Bureau of Industry and Security web site, at <http://efoia.bis.doc.gov>.

Should you have any questions or comments or need additional assistance, please contact me at 202 482-2381.

Sincerely,

Ned Weant
Director
Office of Antiboycott Compliance

¹ The Regulations governing the alleged violations at issue are found in the 2002 version of the Code of Federal Regulations (15 C.F.R. Parts 768-799 (2002)).



TABLE A
ITEMS OF INFORMATION TRANSMITTED
TO PERSONS IN SYRIA, JANUARY 2002

TELEMOBILE, INC.
CASE NO. 02-015

1. We do not or have had in the past a company or an affiliate or main factory or assembly factory in Israel.
2. We do not or have had in the past agencies or public offices in Israel to run our business in the Middle East.
3. We have not granted the right to use our name, trade marks, patent and manufacturing right, which belongs to us or any of our affiliates , to any Israeli persons or establishment.
4. We do not share or have shared in the past in Israeli establishment or Israeli works either inside or outside Israel.
5. We have not or have offered in the past any consulting service or any technical assistance to any Israeli establishment.
6. We do not represent, or represented in the past, any Israeli establishment or works either inside or outside Israel.
7. We do not share in any other company inside or outside the US.
8. We do not have any company sharing in our company or affiliates inside or outside the US.



UNITED STATES DEPARTMENT OF COMMERCE
Bureau of Industry and Security
Washington, D.C. 20230

WARNING LETTER
BY COURIER

OCT 11 2006

Baker & McKenzie LLP
815 Connecticut Avenue, NW
Washington, DC 20006-4078

Attention: Nicholas F. Coward, Esq.

Re: Thermo King Europe

Case No. 04-16

Dear Sir:

This office has reason to believe that Thermo King Europe, October 2000, violated Section 760.2(d) and Section 760.5 of the Export Administration Regulations¹ in that Thermo King Europe furnished information regarding its business relationships with or in a boycotted country, as outlined in the attached Table A, and failed to report in a timely manner to the Department its receipt of a request to engage in restrictive trade practices or boycotts.

Compliance with the EAR is mandatory for all U.S. persons and should be strictly adhered to in all future endeavors by Thermo King Europe and its principals.

This investigation is being closed with the issuance of this warning letter, which applies only to the transaction(s) referred to herein.

Warning letters are made available for public inspection in the Freedom of Information Reading Room section displayed on the Bureau of Industry and Security web site at <http://efoia.bis.doc.gov>.

Should you have any questions or comments or need additional assistance, please contact me at 202-482-2381.

Sincerely,

Ned Weant
Director
Office of Antiboycott Compliance

¹The Regulations governing the alleged violations at issue are found in the 2000 version of the Code of Federal Regulations (15 C.F.R. Parts 768-799 (2000)).



Table A

Alleged Violation of §760.2(d)
Furnishing Prohibited Information

Thermo King Europe (04-16)

Boycotting Country	Reference	Document Furnished	Date Furnished	Boycott Language
Iraq	EFEMO 2765	Contractual Agreement	on or about 10/16/2000	<p>Second party (seller) certify that the goods supplied in according with the contract No.: GAMCO/TBA/MOU/THERMOKING/2/2000 are wholly manufactured or produced in Ireland and do not comprise any raw materials, parts, labour or capital of Israeli origin and that the manufacturer or producer is not a branch or a mother company of firms included in the Israeli boycott black list (sic).</p> <p>In case that the first party (buyer) discovers that the second party (seller) has a relation (sic) or dealing with any Israeli firms the buyer in this case has a right to cancell (sic) the contract and to put the second party (seller) in the blacklist.</p>



UNITED STATES DEPARTMENT OF COMMERCE
Bureau of Industry and Security
Washington, D.C. 20230

WARNING LETTER

AUG 6 2007

REF: 2007/C001/NR

Andrew Corporation
10500 West 153rd Street
Orland Park, IL 60462

Case No. 06-12

Attention: Terry Garner, Group President
Network Solutions

Gentlemen/Ladies:

We, the Office of Antiboycott Compliance, Bureau of Industry and Security, United States Department of Commerce ("BIS"), have reason to believe that you, Andrew Corporation, have violated § 760.5 of the Export Administration Regulations (currently codified at 15 C.F.R. Parts 730-774 (2007)) (the "Regulations"),¹ which are issued under the authority of the Export Administration Act of 1979, as amended (50 U.S.C. app. §§ 2401-2420 (2000)) (the "Act")² in that, you failed to report your receipt of a request to refuse to do business with persons known or believed to be restricted from having any business relationship with or in a boycotted country (see attached Table A).

However, having considered all the facts and circumstances known to us at this time, including specifically the fact that you discovered the violation(s) yourself and voluntarily disclosed it to us, we are closing this investigation with the issuance of this Warning Letter. This Warning Letter applies only to the transaction(s) referred to herein. Other violations of the Regulations not expressly referred to in this Warning Letter may result in the institution of administrative proceedings against you.

¹ The alleged violations occurred during the year 2004. The Regulations governing the violations at issue are found in the 2004 version of the Code of Federal Regulations (15 C.F.R. Parts 730-774 (2004)). The prior years' Regulations are substantially the same as the 2007 version of the Regulations which govern the procedural aspects of this matter.

² Since August 21, 2001, the Act has been in lapse and the President, through Executive Order 13222 of August 17, 2001 (3 C.F.R., 2001 Comp. 783 (2002)), which has been extended by successive Presidential Notices, the most recent of which was August 3, 2006 (71 Fed. Reg. 44551 (August 7, 2006)), has continued the Regulations in effect under the International Emergency Economic Powers Act (50 U.S.C. §§ 1701-1706 (2000)).



The Regulations apply to all United States persons. You should, therefore, ensure that Andrew Corporation strictly adheres to the Regulations in all future transactions.

Warning Letters are made available for public inspection and copying in the Freedom of Information Electronic Reading Room section displayed on the Bureau of Industry and Security website at www.foia.bis.doc.gov.

Should you have any questions or comments relating to this Warning Letter, please contact me at (202) 482-2381.

Sincerely,

A handwritten signature in black ink, appearing to read "E O Weant III". The signature is written in a cursive style with a horizontal line underlining the name.

Edward O Weant III
Director
Office of Antiboycott Compliance

ANDREW CORPORATION
Schedule of Alleged Reporting (§760.5) Violation
(Case No. 06-12)

Item #	Andrew Reference	Boycotting Country	Date Request Received	Date Report Due	Boycott Language
1	#0417528	Saudi Arabia	11/15/2004	01/31/2004	"Article 63 - Importation Boycott The Contractor hereby acknowledges his cognizance that the importation and shipment of any products or parts thereof to and from the Kingdom shall be exclusively subject to the importation and customs' regulations in force in the Kingdom, including those regulations pertaining to the importation boycott."



UNITED STATES DEPARTMENT OF COMMERCE
Bureau of Industry and Security
Washington, D.C. 20230

WARNING LETTER
BY COURIER

HSBC Bank USA NA
452 Fifth Avenue, 15th Floor
New York, NY 10018

Attention: John Hudson, SVP

Case No. 02-09

Dear Mr. Hudson:

We, the Office of Antiboycott Compliance, Bureau of Industry and Security, United States Department of Commerce (“BIS”), following our examination of certain transactions of HSBC Bank USA NA (“HSBC”) involving export letters of credit, have reason to believe that you, HSBC violated Section 760.5 of the Export Administration Regulations (currently codified at 15 C.F.R. Parts 730-774 (2007)) (“the Regulations”),¹ which are issued under the authority of the Export Administration Act of 1979, as amended (50 U.S.C. app. §§2401-2420 (2000)) (the “Act”)² in that HSBC Bank USA NA on two occasions failed to report to the Department of Commerce (“Department”) its receipt of a request to engage in a restrictive trade practice or boycott as required by the Regulations.

Specifically, in December 2004 and January 2005, HSBC received two letters of credit each issued by Saudi British Bank in Saudi Arabia, numbered DIBWPM 403543 and DPCWPM 500606, respectively, each of which contained a request to take an action that would have the effect of furthering or supporting a restrictive trade practice or unsanctioned foreign boycott. Section 760.5 of the Regulations requires U.S. persons to report to the Department their receipts of such requests. You failed to report to the Department your receipts of these requests.

¹ The alleged violations occurred in 2004 and 2005. The Regulations governing the alleged violations at issue are found in the 2004 and 2005 versions of the Code of Federal Regulations (15 C.F.R. Parts 730-774 (2004 and 2005)). The prior years’ Regulations are substantially the same as the 2007 version of the Regulations which govern the procedural aspects of this matter.

² Since August 21, 2001, the Act has been in lapse and the President, through Executive Order 13222 of August 17, 2001 (3 C.F.R., Comp. 783 (2002)), which has been extended by successive Presidential Notices, the most recent of which was August 15, 2007 (72 Fed. Reg. 46137 (August 16, 2007)), has continued the Regulations in effect under the International Emergency Economic Powers Act (50 U.S.C. §§ 1701-1706 (2000)).



All U.S. persons are required to comply with the Regulations. However, having considered all the facts and circumstances known to us at this time, including the results of our examination of HSBC's records in 2002 and 2007, we are closing this investigation with the issuance of this Warning Letter. This Warning Letter applies only to the actions and circumstances referred to herein. You should therefore ensure that HSBC strictly adheres to the Regulations in all future transactions. Failure to do so may result in the institution of administrative proceedings against you.

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Should you have any questions or comments or need additional assistance, please contact me at 202 482-2381.

Sincerely,

Edward O. Weant, III
Director
Office of Antiboycott Compliance.